

## **I.R.E. 301. Presumption in General in Civil Actions and Proceedings.**

### Article III. Presumptions

#### Idaho Rules of Evidence Rule 301. Presumption in General in Civil Actions and Proceedings.

(a) Effect. In all civil actions and proceedings, when not unless otherwise provided for by statute, by Idaho appellate decisions or by these rules, a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast. The burden of going forward is satisfied by the introduction of evidence sufficient to permit reasonable minds to conclude that the presumed fact does not exist. If the party against whom a presumption operates fails to meet the burden of going forward, the presumed fact shall be deemed proved. If the party meets the burden of going forward, no instruction on the presumption shall be given, and the trier of fact shall determine the existence or nonexistence of the presumed fact without regard to the presumption.

(b) Jury Instructions. When any presumption operates, the court shall instruct the jury that the fact has been proved without using the term "presumption".

(Adopted January 8, 1985, effective July 1, 1985; amended March 18, 1998, effective July 1, 1998.)

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